

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith, *et al.*
Serial No.: 10/668,846 Group Art Unit: 1647
Int'l Filing Date: 23 September 2003 Examiner: Jon M. Lockard
For: VANILREP4 polypeptides and VANILREP4 polynucleotides
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION
UNDER 35 U.S.C. §121

Sir:

This paper is in response to the Office Action dated 1 November 2006 (hereinafter "Detailed Action"), setting forth a thirty (30) day shortened statutory period for reply. This response is being filed within said period, and no fees are believed due. However, authorization is hereby given to deduct any fees required by this paper to Deposit Account No. 19-2570, should any fees be due.

REMARKS

Claims 1-8 are pending in this application and are subject to a restriction requirement.

ELECTION/RESTRICTION

A requirement for restriction has been made under 35 U.S.C. §121 (37 C.F.R. §1.142) between the inventions of:

- I. Claims 1-2 and 5-8, drawn to polynucleotides, vectors and host cells comprising the same, and a method of recombinantly producing the protein encoded thereby, classified in class 435, subclass 69.1, for example;
- II. Claims 3-4, drawn to polypeptides, classified in class 530, subclass 350.

Upon review of the Detailed Action provided by the Examiner, the Applicants provisionally elect the subject matter of Group II with traverse.

Should the restriction become final, the Applicants reserve the right to prosecute, in one or more patent applications, the canceled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification.

Respectfully submitted,

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